

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,
Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM
Section 3: Rio Nutrias

Subfile No. CHNU-001-0001

MOTION TO CORRECT CLERICAL ERROR

COMES NOW the plaintiff State of New Mexico, *ex rel.* State Engineer and moves the Court to enter its order correcting a clerical error in the Consent Order filed December 12, 2005 (Docket No. 8083) in connection with defendant JUAN R. MONTAÑO in subfile CHNU-001-0001, and as grounds therefore plaintiff states:

1. Under Fed. R. Civ. P. 60(a), clerical mistakes in judgments or orders arising from oversight or omission may be corrected by the court at any time on its own motion or on the motion of any party after such notice, if any, as the court orders.

2. The Township information (“27N”) for the location of the 1.0 acre tract of irrigated land described in the Consent Order in this subfile is incorrect. The correct Section, Township and Range for the 1.0 acre tract of land is as follows: Section 31, Township 28N, Range 05E, N.M.P.M. The Township information for the other tracts of land that are also described in the Consent Order for this subfile is correct (“27N”).

WHEREFORE, the plaintiff State of New Mexico requests the Court to enter its order

correcting the Township information for the 1.0 acre tract of irrigated land described in the Consent Order filed December 12, 2005 (Docket No. 8083) as follows:

Section 31, Township 28N, Range 05E, N.M.P.M.

Pt. SW¼

1.0 acre

Dated: August 6, 2010

Respectfully submitted,

/s/ Ed Newville

EDWARD G. NEWVILLE
Special Assistant Attorney General
Office of State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 867-7444 telephone
(505) 867-2299 facsimile

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 6th day of August 6, 2010, I filed the foregoing electronically through the CM/ECF system which caused the parties listed on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail, and served the following non-CM/ECF Participants in the manner indicated:

via first class mail, postage prepaid addressed as follows:

Juan R. Montaña
P.O. Box 247
Tierra Amarilla, NM 87575

/s/ Ed Newville

EDWARD G. NEWVILLE